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June 12, 2023

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The Honorable Judge Lorna G. Schofield  
U.S. District Court  
Southern District of New York  
500 Pearl St  
New York, NY 10007

Application GRANTED in part. The initial pretrial conference is adjourned to **June 28, 2023, at 4:20 P.M.** The parties shall file their joint letter and proposed case management plan by **June 21, 2023.**

Dated: June 13, 2023  
New York, New York

LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE

**Re: Joint Motion for Extension of Time and Adjournment of Conference – Z Payments Solution Corp. v. First Data Merchant Services LLC and Fiserv, Inc.,**  
Case No. 1:23-cv-03702-LGS

Dear Judge Schofield:

Plaintiff Z Payments Solution Corp. and Defendants First Data Merchant Services LLC and Fiserv, Inc. (collectively, the “Parties”) request an adjournment of the June 21, 2023 telephonic conference and corresponding joint letter and proposed scheduling order.

Plaintiff filed its Complaint in the Supreme Court of the State of New York, County of New York, on April 4, 2023. (ECF No. 1-1.) Defendants timely removed the case to this Court on May 2, 2023. (ECF No. 1.) Shortly thereafter, the Court issued an order setting an initial conference for June 21, 2023 at 4:20 p.m. and deadlines for the Parties to file a joint letter and scheduling order one week in advance of the conference (June 14, 2023 at noon). (ECF No. 6.)

On May 18, 2023, Defendants requested an extension of time to answer or otherwise respond to the Complaint in light of Plaintiffs’ failure to obtain counsel. (ECF No. 8.) On May 19, 2023, the Court granted that request, which extended Defendants’ deadline to answer, move, or otherwise respond to the Complaint to June 22, 2023. (ECF No. 9.) In addition, the Court ordered counsel for Plaintiff to appear by May 26, 2023. (*Id.*; see also ECF No. 11 (ordering counsel to appear by June 9, 2023).) On May 31, 2023, Plaintiff’s counsel entered his appearance. (ECF No. 12.)

In light of Plaintiff’s recent retention of counsel and the fact that the deadline for Defendants to answer, move, or otherwise respond to the Complaint is not until June 22, 2023, the Parties respectfully request additional time to confer under Fed. R. Civ. P. 16 and to draft their joint letter and proposed scheduling order. This is the Parties’ first request for an extension of time to file the joint letter and proposed scheduling order and their first request for an adjournment of

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the initial conference. This motion is made in good faith and not for purposes of vexation, harassment or undue delay. No party will be prejudiced as a result of the requested extension.

The Parties therefore respectfully request that this Court issue an Order: (1) adjourning the June 21, 2023 telephonic conference to July 12, 2023 or sometime thereafter that is convenient for the Court; and (2) extending the deadlines for the Parties to file their joint letter and scheduling order to June 28, 2023 at noon.

Sincerely,

/s/ John W. Peterson

John W. Peterson

*Counsel for Defendants*

/s/ Michael K. Chong

Michael K. Chong

*Counsel for Plaintiff*